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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

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18 UNITED STATES OF AMERICA,) No. Cr.S. 04-104 DFL
19 Plaintiff,)
20 v.) **STIPULATION AND ORDER**
21) **RESETTING THE HEARING DATE**
22 MARK ERCKERT,)
23 Defendants.) Date: September 28, 2006
24) Time: 10:00 a.m.
25) Judge: Hon. David F. Levi
26)
27)
28)

29 The defendant Mark Erckert, by and through counsel Krista Hart,
30 along with the plaintiff United States (government), by and through
31 counsel Assistant U.S. Attorney Phil Ferrari, hereby stipulate and
32 agree the hearing currently set for September 28, 2006, should be reset
33 for October 5, 2006 at 10:00 a.m. The parties also agree the
34 defendant's reply brief would be due by October 2, 2006.

35 It is further stipulated and agreed between the parties that the
36 period of time from September 28, 2006, and October 5, 2006, should be
37 excluded in computing the time within which the trial of the above
38 criminal prosecution must commence for purposes of the Speedy Trial
Act. All parties stipulate and agree that this is an appropriate

exclusion of time within the meaning of Title 18, United States Code, sections 3161(h)(1)(F) (Local Code E).

The undersigned has been in trial in Sacramento Superior Court since August 23, 2006, and anticipates completing the trial by September 27, 2006. The additional time is necessary to prepare the reply and to ensure counsel is available for the hearing.

September 28, 2006

/s/ Krista Hart
Attorney for Mark Erckert

September 28, 2006

McGREGOR SCOTT
United States Attorney

/s/ Phil Ferrari
Assistant U.S. Attorney
(Signed by Krista Hart, per e-mail)

O R D E R

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: September 28, 2006

/s/ David F. Levi
The Honorable DAVID F. LEVI
United States District Court Judge